

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 25, 2004

DIVISION ONE

B165947 Rose Kabbe (Not for Publication)
v.
Friedrich Kabbe

The judgment is affirmed. Respondent(s) to recover costs.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B172910 Los Angeles County, D.C.S. (Not for Publication)
v.
Jamie S.,
In re Marissa E.

The order terminating Jamie S.'s parental rights is conditionally reversed, and the cause is remanded to the juvenile court with directions to conduct such further proceedings as are necessary to establish full compliance with the notice requirements of the Indian Child Welfare Act (ICWA). If after sending notice as required by the ICWA and no response is received indicating that either Marissa or Sausa is an Indian child within the meaning of the ICWA, the order terminating parental rights shall be immediately reinstated as to such child and further proceedings as are appropriate shall be conducted. If a tribe determines that either child is an Indian child within the meaning of the ICWA, the court shall proceed accordingly. In all other respects the order is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

August 25, 2004 (Continued)

DIVISION TWO

B169077 People (Not for Publication)
v.
Clemons

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B168707 Los Angeles County, D.C.S. (Not for Publication)
v.
Celia T.

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B167073 Scott (Not for Publication)
v.
Gallatin Medical Corporation

The order denying the motion to set aside the sanction award is affirmed. Respondent's motion for sanctions is denied. The parties are ordered to bear their own costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

August 25, 2004 (Continued)

DIVISION TWO (Continued)

B167976 Khalili (Not for Publication)
v.
Khalili

The order of the trial court is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B167302 People
v.
Henry Bolden

Filed order granting petition for rehearing.

DIVISION FOUR

B172747 SST, Inc. (Not for Publication)
v.
Tracy Handy

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

August 25, 2004 (Continued)

DIVISION FOUR (Continued)

[illegible]

The orders are affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

B168551 Henry (Not for Publication)
v.
City of Santa Fe Springs, et al.

The order of dismissal is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

B169647 People (Not for Publication)
v.
Torres

The conviction of attempted voluntary manslaughter is reversed. The judgment is affirmed in all other respects. The matter is remanded for further proceedings consistent with this opinion.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

August 25, 2004 (Continued)

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B172334 People (Not for Publication)
v.
Prince

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Grimes, J. (Assigned)

B139381 People (Not for Publication)
v.
Perez

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

August 25, 2004 (Continued)

DIVISION FOUR (Continued)

B175632 Michelle S. (Not for Publication)

V.

Superior Court, Los Angeles County

(Los Angeles County Department of Children and Family Services et al.,
r.p.i.)

The petition for extraordinary writ is denied. This decision shall become final as to this court immediately upon its filing. (Cal. Rules of Court, rule 24(b)(3).)

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION FIVE

B172662 Henry Yuen (Certified for Publication)

V.

Superior Court, Los Angeles County

(Gemstar-Tv Guide International et al., r.p.i.)

The petition for writ of mandate is granted. A peremptory writ shall issue directing respondent court to vacate its order of November 24, 2003, granting defendant's motion to consolidate separate arbitrations, and enter a new and different order denying the motion without prejudice to submitting the matter to the American Arbitration Association. The parties are to bear their own costs.

Armstrong, J.

I concur: Grignon, Acting P.J.

I concur: Mosk, J. (opinion)

August 25, 2004 (Continued)

DIVISION SIX

[illegible]

The judgment (order of commitment) is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B172298 People v. Hughes (Not for Publication)

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

B168418 People (Not for Publication)
v.
Escobedo

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION SEVEN (Continued)

B174718 Smythe v. County of Los Angeles et al.
B176145 Smythe v. Lopez

Filed order consolidating above captioned appeals.

B168251 People (Not for Publication)
v.
Benton

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
Woods, J.

B171502 People (Not for Publication)
v.
Morrison

We remand for proceedings consistent with this opinion. Upon issuance of the remittitur, the superior court shall cause its clerk to prepare an amended sentencing minute order to reflect: 1) \$156,585 in total victim restitution inclusive of 10 percent interest pursuant to section 1202.4; and 2) the deletion of attorney's fees pursuant to section 987.8. In all other respects, the judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B167166 People (Not for Publication)
v.
Ware

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION EIGHT

B172328 People v. Varela (Not for Publication)

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

B168755 People (Not for Publication)
v.
Lopez

The judgment of conviction as to count 1 and related allegations is affirmed, and judgment of conviction as to count 2 (relating to victim Jaime Garcia) is reversed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

DIVISION EIGHT (Continued)

B164377 SIVSA Entertainment (Not for Publication)
v.
World International Network

The order granting Sivsa's motion pursuant to section 425.16 is affirmed.
The award of attorney fees and costs to Sivsa is affirmed. Sivsa is to
recover costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B169326 Moore (Not for Publication)
v.
Los Angeles County Metropolitan Transportation Authority

The judgment (order of dismissal) is affirmed. Each party shall bear its
own costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B169968 People (Not for Publication)
v.
Beltran

The judgment is affirmed.

Cooper, P.J.

We concur: Boland, J.
Flier, J.

DIVISION EIGHT (Continued)

B169521 Christiansen, (Not for Publication)
 v.
 Fire Insurance Exchange et al.

The summary judgment is affirmed. Appellant is to bear costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
 Flier, J.

B162071 Benjamin Frank Venti (Not for Publication)
B168001 v.
 Alfred P. Balderrama et al.

The judgments are affirmed. Each party to bear his or its own costs.

Cooper, P.J.

We concur: Boland, J.
 Flier, J.

B161872 Jade T. Bertram, A Minor etc. (Not for Publication)
 v.
 Steven Vouis

The order of dismissal in case no. VC036409 is reversed. The order setting aside the dismissal of case no. VC028417 is affirmed. Plaintiff shall recover costs.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.